

DOCKET NO. NNI-CV21-6024086-S	:	SUPERIOR COURT
	:	
JEREMY MEURICE	:	JUDICIAL DISTRICT OF NEW HAVEN
	:	
v.	:	AT MERIDEN
	:	
ELIZA HESSELGRAVE, ET AL.	:	AUGUST 27, 2021

ANSWER, SPECIAL DEFENSES, AND COUNTERCLAIM

COUNT ONE:

No response is required because this count is not directed at Defendant Vivar.

COUNT TWO:

No response is required because this count is not directed at Defendant Vivar.

COUNT THREE:

1. The Defendant lacks sufficient information or knowledge upon which to form a belief, and therefore leaves the Plaintiff to his proof.

2. Denied.

3. Denied.

4. Denied.

5. The Defendant lacks sufficient information or knowledge upon which to form a belief, and therefore leaves the Plaintiff to his proof.

6. The Defendant lacks sufficient information or knowledge upon which to form a belief, and therefore leaves the Plaintiff to his proof.

COUNT FOUR:

1. The Defendant lacks sufficient information or knowledge upon which to form a belief, and therefore leaves the Plaintiff to his proof.

2. Denied.

3. Denied.

4. The Defendant lacks sufficient information or knowledge upon which to form a belief, and therefore leaves the Plaintiff to his proof.

5. The Defendant lacks sufficient information or knowledge upon which to form a belief, and therefore leaves the Plaintiff to his proof.

COUNT FIVE:

No response is required because this count is not directed at Defendant Vivar.

COUNT SIX:

No response is required because this count is not directed at Defendant Vivar.

FIRST AFFIRMATIVE DEFENSE – CONTRIBUTORY/COMPARATIVE FAULT

If the plaintiff was injured as alleged, his injuries were caused in whole or in part by his own negligence.

SECOND AFFIRMATIVE DEFENSE – FAILURE TO MITIGATE DAMAGES

The plaintiff failed to take reasonable measures to prevent or mitigate some or all of the alleged injuries he alleges that he suffered.

THIRD AFFIRMATIVE DEFENSE – NO DUTY

The defendant did not violate any duty owed to the plaintiff.

FOURTH AFFIRMATIVE DEFENSE – UNLAWFUL ACTIVITY

To the extent that the defendant resisted or interfered with the plaintiff, if any, any interference or resistance was resistance to unlawful conduct by the plaintiff.

FIFTH AFFIRMATIVE DEFENSE – INTERVENING/SUPERSEDING CAUSE

To the extent Vivar caused any damages, she bears no legal responsibility because of the doctrine of intervening or superseding cause, because the intentional actions of a third-party, Blanquita Rica Vigil, were the proximate cause of all parties' injuries and damages, if any.

SIXTH AFFIRMATIVE DEFENSE – SETOFF

To the extent that Vivar is held liable for Meurice's damages, the damages should be set off by the damages inflicted on Vivar by Meurice, as alleged in her just counterclaim.

COUNTERCLAIM

Defendant and Counterclaim Plaintiff Nadia Vivar, for her counterclaim against Plaintiff Jeremy Meurice, alleges as follows:

1. On July 5, 2020 Nadia Vivar was protesting the murder of Moubarak Soulemane in West Haven, Connecticut by Connecticut State Police.
2. While Nadia was among the many people protesting that day, Third-Party Defendant Blanquita Rica Vigil drove her car through a crowd of protesters including Nadia.
3. After several protesters were injured from this event, which West Haven Police negligently or recklessly failed to prevent, several protesters approached and confronted the individual who had driven her car through the crowd.
4. Shortly thereafter, police arrived at the scene.
5. Instead of arresting the perpetrator of the violent incident that had occurred moments earlier, the police – biased against the protesters because they were protesting police misconduct and brutality – decided to start a riot.
6. The police, including plaintiff Jeremy Meurice, menacingly yelled, screamed, pointed their weapons, and surrounded peaceful protesters who were doing nothing wrong.

7. Meurice, in particular, was aggravated, angry, loud, reactive, and out of control with his movements, wildly swinging at protesters, telling them to move, shoving them, and even kicking them.

8. Meurice aggressively approached Silas Lourenco-Lang and shoved him, telling to move back.

9. Then, grabbing something on his waist, Meurice lunged at Lourenco-Lang.

10. Reasonably fearing for his life and safety, Lourenco-Lang attempted to remove himself from the path of Meurice's assault.

11. Unable to avoid Meurice, Lourenco-Lang was pushed to the ground, where Meurice began violently assaulting Lourenco-Lang.

12. Eliza Hesselgrave and Nadia Vivar collided with Jeremy Meurice while he was violently assaulting Lourenco-Lang. The collision was unintentional but occurred because of the wanton, reckless, excessive behavior of Meurice.

13. Meurice proceeded to elbow Hesselgrave in the face, knocking her down.

14. Meurice also knocked over Nadia Vivar, causing her injury to her knees.

15. As a result of Meurice's intentional, reckless, and/or negligent behavior, Vivar suffered damages.

COUNT ONE: Negligence

16. The allegations of paragraphs 1-15 are incorporated as if restated fully here.

17. West Haven Police Department Policy and Procedures obligate officers to de-escalate tense situations instead of escalating them with violent behavior.

18. Meurice breached his duty of care on July 5, 2020, when he instigated a police riot, shoving and assaulting individuals and escalating the situation, then negligently knocking over Vivar, causing her injury.

19. Because Meurice breached his duty of care and caused Vivar damages, Meurice is liable to Vivar.

COUNT TWO: Recklessness

20. The allegations of paragraphs 1-19 are incorporated as if fully restated here.

21. Meurice acted recklessly when he escalated the situation on July 5, then violently assaulted three individuals, including Vivar, causing damages.

22. Meurice is therefore liable to Vivar in damages.

COUNT THREE: Unconstitutional Excessive Force under Section 1983

16. The allegations of paragraphs 1-15 are incorporated as if fully restated here.

17. Meurice violated Vivar's clearly established constitutional right to be free from excessive force when he escalated the incident of July 5, 2020, ultimately shoving Vivar to the ground, causing her injury. Meurice is therefore liable to Vivar for the injuries she suffered as a result.

WHEREFORE, NADIA VIVAR CLAIMS DAMAGES

DEFENDANT, COUNTERCLAIMANT, AND THIRD-PARTY
PLAINTIFF, NADIA VIVAR

By /s/ Alexander T. Taubes
Alexander T. Taubes
470 James Street, Suite 007
New Haven, CT 06513
(203) 909-0048
alextt@gmail.com

CERTIFICATION OF SERVICE

This is to certify that a copy of the foregoing will be caused to be delivered on this day,
August 27, 2021 to:

Jonathan H. Dodd, Esq.
The Dodd Law Firm, LLC
Ten Corporate Center
1781 Highland Avenue, Suite 105
Cheshire, CT 06410
203-272-1883
Juris No. 402420
info@doddlawfirmct.com

Nicole Tung, Esq.
Murphy Karpie Connelly & Sickinger LLC
Suite 408
350 Fairfield Avenue
Bridgeport, CT 06604
tung@murphykarpie.com

Silas Lourenco-Lang (*self-represented*)
49 Wilcox Place
Branford, CT 06405

/s/ Alexander T. Taubes
Alexander T. Taubes